

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9685 of 2017

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Phulendra Jha, S/o Sri ganesh Jha, Resident of Village-Rashiari P.S.
Ghanshyampur, District-Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Public Health Engineering Department Vishweshriya Bhawan, Patna.
2. The Engineer in Chief, Public Health Engineering Department Vishweshriya Bhawan, Patna.
3. The Chief Engineer, Public Health Engineering Department Viushwishriya Bhawan, Patna.
4. The Superintending Engineer, Public Health Engineering Department, Darbhanga.
5. The Executive Engineer(Mechanical), P.H. Division, Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar Jha

For the Respondent/s : Mr. Sanjay Kr.Giri-GP9

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 10-10-2018

Heard the parties.

In the present writ petition, the petitioner is claiming that his pay should be protected and granted benefit of ACP, MACP and consequential benefits in terms of Memorandum No. 707 dated 22.05.2018, which postulates that those Class IV employees who were appointed on technical post in the work charge establishment on daily wages employee, later on were regularized in the year 2006 in terms of letter 925 dated



16.11.2013 and the memorandum of Finance Department vide No. 10710 dated 17.10.2013 the period spent will be treated as work charge period and pay will be protected inasmuch as he is entitled to the benefit of ACP, MACP and consequential benefits.

The approval was granted in pursuance of Department Notification No. 1802 dated 23.03.2006, the period of work charge will be counted for ACP. The benefit of the ACP will be given in terms of 2003 ACP Rules and whereafter under the MACP Rules. The pension and gratuity will be calculated in terms of memorandum of Finance Department vide No. 10710 dated 17.10.2013 as per the Clause 5(V).

Learned counsel for the petitioner submits that this memorandum applies to his case as he is entitled whatever the benefit has been conferred to the employees by the Memorandum No. 707 dated 22.05.2018 (Annexure – 5).

In such view of the matter, the matter is remanded back to the concerned Authority, he will consider the case of the petitioner in terms of Memorandum No. 707 dated 22.05.2018 and take a final decision in accordance with law within a period of three months from the date of receipt / production of a copy of



this order.

With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/Sunny

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.10.2018
Transmission Date	NA

